

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES of AMERICA

v.

VICTOR ALBERTI,

Defendant.

)
)
)
) **Criminal No.**
) **07-40002-FDS**
)
)
)
)

MEMORANDUM AND ORDER UNDER 18 U.S.C. § 4241(d)

SAYLOR, J.

By order of the Court dated March 13, 2009, defendant Victor Alberti underwent a psychiatric evaluation to determine whether he was suffering from a mental disease or defect that rendered him mentally incompetent. A forensic report was rendered by the Federal Bureau of Prisons, in accordance with 18 U.S.C. § 4247, and was submitted under seal to this Court. The report also was provided to defendant's counsel and the government. Both parties have waived the right at the present time to hold a hearing to determine defendant's competency under 18 U.S.C. § 4241(c).

The Court has reviewed the forensic report and finds, by a preponderance of the evidence, that defendant is presently suffering from a mental disease or defect that renders him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

In accordance with 18 U.S.C. § 4241(d)(1), it is hereby ordered that defendant Victor Alberti shall be committed to the custody of the Attorney General, who shall hospitalize him for treatment in a suitable facility for a reasonable period of time, not to exceed four months, as is

necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward.

So Ordered.

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge

Dated: June 18, 2009